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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/608,780	06/30/2000	Kia Silverbrook	MJ29US	2324

24011 7590 05/14/2004

SILVERBROOK RESEARCH PTY LTD
393 DARLING STREET
BALMAIN, 2041
AUSTRALIA

EXAMINER

BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 05/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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EXAMINER

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6

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Commissioner for Patents

Office Action Summary

Application No.

09/608,780

Applicant(s)

SILVERBROOK, KIA

Examiner

Stephen M Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

2. Claims 1-10, 12, & 14-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Kent.

Re claims 1 & 7, Kent discloses (Figure 3; column 3, line 51 - column 4, line 52) a digital printing device in which the dot size printed at each location is adjusted.

Re claims 1, 4, & 7-9, the adjustment of dots at each location in a dot array inherently includes adjustment of those dots that are located adjacent to or near to any given location, dots that are longitudinal or transverse from any given location, or dots that are located adjacent to dots produced by a failed device.

Re claims 2-3, & 10, the dot size is adjusted to correspond to the size indicated by image information (column 4, lines 27-28). This result inherently requires that any dots that were undersized prior to adjustment are increased, and that any dots that were oversized prior to adjustment are decreased.

Re claim 12, the printer dots are generated by lasers, and the dot size is regulated by adjusting the amount of laser light emission.

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Re claims 5-6 & 14-15, Kent does not distinguish between the treatment of dots that are or are not large enough to overlap neighboring dots. Dots are adjusted in the above-described manner in each of these two cases.

Claim Rejections - 35 USC § 103

3. Claim 11 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Applicant's admitted Prior Art.

Re claim 11, Kent describes the use of a laser printer rather than an inkjet printer to produce print dots. The use of an inkjet printer to produce print dots in a manner analogous to the use of laser printers is well known in the art as described by Applicant (page 1, lines 4). The use of the Kent arrangement with an inkjet printer substituted for the analogous laser printer in order to similarly correct dot sizes in the former would be an expedient obvious to one of ordinary skill in the art.

4. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kent in view of Kato et al.

Kent does not describe the target to which the laser printer laser elements are applied. The use of a photoconductive imaging drum as such a target in this context is known in the art as disclosed for example by Kato (Figure 1;

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column 3, line 2). The use of such a photoconductive imaging drum in Kent in order to execute an analogous process of converting the laser outputs to corresponding printed dots would be an expedient obvious to one of ordinary skill in the art.

Response to Arguments

5. Applicant's arguments filed 01 March 2004 have been fully considered but they are not persuasive.

Applicant argues (Paper #4: page 2, line 2 - page 3, line 11) that the present invention differs from Kent in that the present invention modifies the output of pixel locations adjacent to an underperforming location to compensate for the underperformance, whereas Kent discloses a general modification of all pixel locations.

Examiner recognizes the point of distinction Applicant is describing. However, the language of the present claims does not appear to require the former to the exclusion of the latter. A recitation that certain pixel locations meeting a given criterion are adjusted, with no clear requirement that only those pixel locations are adjusted, is readable upon prior art that describes an adjustment to all pixel locations, inasmuch as the latter clearly includes the former.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 703-305-4390. The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Tech Center 2600 Customer Service center at 703-306-0377.

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 703-308-7452.

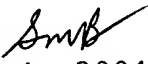
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Faxes pertaining to this application should be directed to
the Tech Center 2600 official fax number, which is 703-872-9306.

Stephen M Brinich
Examiner
Art Unit 2624

smb 
May 4, 2004



THOMAS D
~~LEE~~ LEE
PRIMARY EXAMINER